REMARKS

INTRODUCTION:

In accordance with the foregoing, no claims have been canceled or added. Claims 1, 12-16, 18 and 19 have been amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-19 are pending and under consideration. Reconsideration is respectfully requested.

REJECTION UNDER 35 U.S.C. §102:

In the Office Action, at page 3, claims 1-19 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,754,636 issued to Walker et al. Claims 1, 12-16, 18 and 19 have been amended. However, as Walker may still relate to the amended claims, this rejection is respectfully traversed and reconsideration is requested.

<u>Claims 1, 12-16, 18 and 19 Patentably Distinguish Over Walker</u>

The rejection is traversed because Walker does not teach or suggest:

> pricing servicing of the events by the third party responsive to an electronic entity event pricing plan where the pricing is based on a collection of the exchange transactions.

as recited in independent claim 1, for example. Specifically, the Applicants respectfully submit that Walker only mentions pricing a product, which is not the same as pricing <u>servicing</u> of an event such as the purchase of a product. For example, the pricing of a product may be set at $1.00 while the receiving of the product might be set at $0.01. The pricing of the product and the servicing of the event for the product are two different things. Recitations similar to the pricing servicing of the events feature quoted above are provided in independent claims 12-16, 18 and 19.

The present invention's pricing engine is related to servicing an event, such as a phone call or buying an item. As a non-limiting example, electronic transactions may be performed by a software-based exchange. *Present Application Specification, pages 7-8, lines 20-5.* The software may perform an exchange function such as matching a buyer with a seller, and produce a transaction event. *Id.*

> The transactions are provided to an Event Pricer 14, the primary component of the present invention, which applies charges for the transaction events and other events that can be captured throughout an electronic exchange session. The Event Pricer 14 applies sophisticated rules of the type described above and in more detail below, by traversing a pricing plan decision network and comparing the available characteristics of each event to the rules defined within an applicable pricing plan... The Event Pricer 14 applies charges and accumulates summaries in real-time, enabling charge information to become immediately available for viewing by any authorized external entity.

Walker is directed to a purchasing system wherein a buyer takes possession at a retailer of a product purchased using a communication network. A buyer accesses a purchasing system over a network and a price is established between a buyer and a seller for a product. *Walker, col. 3, lines 3-9.* A pickup location for the product is also arranged. *Id.* The thrust of Walker is that the price paid by the buyer at the pickup location is the price arranged by the purchasing system - not necessarily the price charged by the pickup location. *Id.* Walker is completely silent as to, in this example, pricing of the transaction (or "event") itself. In other words, Walker is completely silent as to pricing the service provided by its purchasing system. Accordingly, Walker cannot properly be relied upon for teaching or suggesting " pricing servicing of the events..." as recited in claim 1 of the present application.

Further, claim 1 now recites that the pricing is based on a collection of the exchange transactions. Applicants have found no mention in Walker regarding pricing transactions based on a collection of exchange transactions. Accordingly, Walker cannot properly be relied upon for teaching or suggesting " pricing... where the pricing is based on a collection of the exchange transactions" as recited in claim 1 of the present application.

As Walker fails to teach or suggest pricing servicing of the events and as Walker fails to teach or suggest pricing based on a collection of the exchange transactions, Walker cannot properly be relied upon for teaching the pricing feature as it is recited in the claims of the present invention.

The Applicants respectfully submit that since Walker fails to teach or suggest all of the features of claims 1, 12-16, 18 and 19, these claims are allowable over Walker. Thus, withdrawal of the 102(e) rejection is respectfully requested.

Claims 2-11 and 17 Depend From Patentably Distinct Claims

Regarding the rejection of claims 2-11 and 17, these claims depend, directly or indirectly,

on one of independent claims 1 or 16, and are therefore believed to be allowable for at least the reasons noted above.

CONCLUSION:

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.
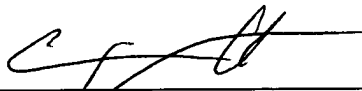
Respectfully submitted,

STAAS & HALSEY LLP

Date: _JAN 11, 2006_

By: _____
Christopher P. Mitchell
Registration No. 54,946

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501

8